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tesa AG 687-HCL
101769-79
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPLICANTS : WENNINGER ET AL.
SERIAL NO. : 09/750,984
FILED : 28 December 2000
FOR : ADHESIVE TAPE FOR DETECTING UNAUTHORIZED BROACHING
OF A PACKAGE
ART UNIT : 1771
EXAMINER : Daniel R. Zirker

1 March 2004

Mail Stop: Appeal Brief - Patent
Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' BRIEF ON APPEAL PURSUANT TO 37 CFR § 1.192

SIR:

This is an appeal from the final rejection dated 4 September 2003.

(1) REAL PARTY IN INTEREST

The real party in interest is **tesa AG** by virtue of an assignment recorded on at Reel 012590, Frame 0880 (Recorded on 1 February 2002).

(2) RELATED APPEALS AND INTERFERENCES

There are no related appeals and interferences.

(3) STATUS OF CLAIMS

Claims 1-13 are pending in the application and stand rejected.

03/04/2004 EAREGAY1 00000105 141263 09750984

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02 FC:1402 330.00 DA

03/04/2004 EAREGAY1 00000030 141263 09750984
Sale Ref: 00040105 DA: 141263 09750984
01 FC:1254 110.00 DA
02 FC:1402 330.00 DA

(4) STATUS OF AMENDMENTS

All amendments are believed to have been entered.

(5) SUMMARY OF INVENTION

The present invention relates to an adhesive tape comprising a composite backing based on an oriented, coextruded, at least two-layer polypropylene film whose one side is provided with an adhesive layer wherein the cleavage strength of the composite backing is less than the bond strength of the adhesive (claim 1 - which finds support, for example, in originally filed claim 1).

Dependent claims 2-13 finds support, for example, in originally filed claims 2-10.

(6) ISSUES

1. Whether the rejection under 35 U.S.C. § 112, second paragraph of claim 10 for using the phrase "in the thickness direction".
2. Whether the rejection under 35 U.S.C. § 102(b) of claims 1, 2 and 4 over Crass (U.S. Patent 4,673,611) is proper.
3. Whether the rejection under 35 U.S.C. § 103(a) of claim 3 over Crass (U.S. Patent 4,673,611) in view of Allegre (FR 2 749 316) is proper.
4. Whether the rejection under 35 U.S.C. § 103(a) of claims 1-9 and 11-13 over appellants' admission (page 3, lines 10-17 and page 6, lines 9-12) alone or in view of Allegre (FR 2 749 316) is proper.
5. Whether the rejection under 35 U.S.C. § 103(a) of claim 10 over Freedman (U.S. Patent 5,876,816) alone or in view of appellants' admission (page 3, lines 10-17 and page 6, lines 9-12) is proper.

(7) GROUPING OF CLAIMS

The claims on appeal are directed toward an adhesive tape (claims 1-9 and 11-13) and a method of detecting unauthorized broaching of a package using the adhesive tape of 1 (claim 10). Claims 2-13 should be treated on their own merits should the rejection of independent claim 1 be affirmed.

(8) ARGUMENT

1. *The phrase "in the thickness direction" in claim 10 is not vague and indefinite*

Claim 10 was rejected as being vague and indefinite for using the term "in the thickness direction" but no support was given for why this phrase would be interpreted to by one of ordinary skill in the art to be vague and indefinite. Although appellants' believe that this phrase is not vague and indefinite, if this is the only issue precluding allowance of the claim, the examiner is authorized to draft an examiner's amendment to delete the phrase "in the thickness direction".

2. *Crass does not anticipate appellants' claims 1, 2 and 4*

Standard of Review

Whether an invention is anticipated is a question of fact. *Hoover Group, Inc. v. Custom Metalcraft, Inc.*, 66 F.3d 299, 302, 36 USPQ2d 1101, 1103 (Fed. Cir. 1995). MPEP 2131 recites "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil. Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)."

When inherency is asserted it is noted that MPEP 2112 states "The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993).....To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.'" *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999).

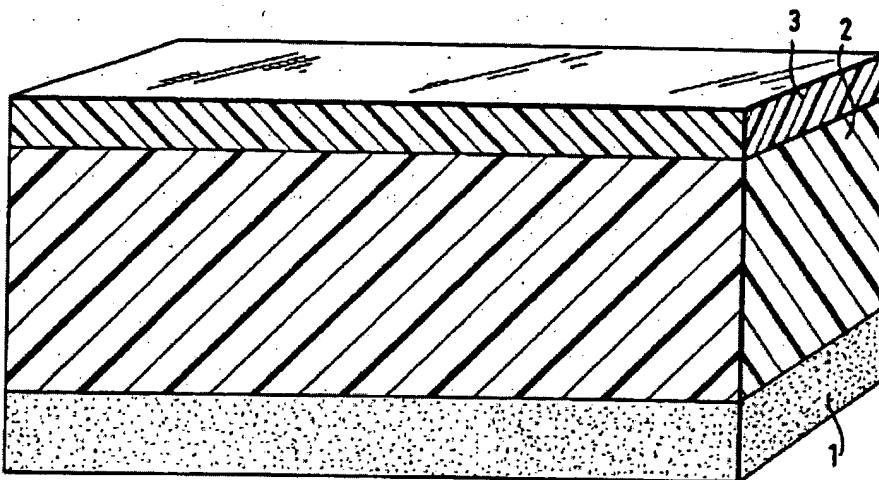
Elements of the appellants' claim 1

Claim 1 of the appellants' invention can be broken down into the following components:

- (1) An adhesive tape comprising
- (2) a composite backing
- (3) based on an oriented, coextruded, at least two-layer polypropylene film
- (4) whose one side is provided with an adhesive layer
- (5) wherein the cleavage strength of the composite backing is less than the bond strength of the adhesive.

Teachings of Crass reference

A representative showing of Crass' tape product can be seen from their Figure 1 below:



wherein:

- 1 - the adhesive coating
- 2 - the first layer of the support film which carries the adhesive coating
- 3 - the second layer which faces away from the adhesive layer and is admixed with the anti-adhesive substance

(see Fig. 1 and col. 1, lines 42-50 of Crass)

Crass does not teach element (5) of the appellants' invention

Crass is readable upon an adhesive tape (1), comprises of a composite backing (2) which can be polypropylene (3) and has an adhesive layer on one side (4). However, Crass does not teach that the

cleavage strength of the composite backing is less than the bond strength of the adhesive.

The Examiner stated on page 4, lines 4-9 of the final rejection that:

"Upon reconsideration, the reference clearly teaches (note column 2 lines 20-32) the presence of an anti-adhesive substance in one of the polypropylene layers which would inherently create the structural limitation as claimed by applicants, i.e. "wherein the cleavage strength of the composite backing is less than the bond strength of the adhesive."

However, there is no factual support for the Examiner's assertions of inherency with regard to the relationship between the presence of an anti-adhesive substance and cleavage strength. Moreover, the object of Crass' invention was to "provide an adhesive tape which can be easily drawn from a roll, without requiring an additional coating on the reverse side." (see col. 1, lines 31-34 of Crass). Creating a tape such as that described by the appellants would be non-sensical within the context of Crass' object of the invention, i.e. when unrolling the Crass' tape, the adhesive layer would tear away the composite backing since the cleavage strength of the composite backing would be less than that of the adhesive.

Given this additional backdrop, there is even greater evidentiary burden upon the Examiner to show that the presence of an anti-adhesive substance not only creates a tape as claimed by the appellants but also produces a tape which remains true to the inventive concept of Crass' invention. Therefore, the appellants assert that the appropriate extrinsic evidence is absent which makes clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.

Crass does not teach the additional element represented in appellants' claim 4

The appellants' claim 4 includes the additional limitation that the polypropylene film is corona treated or flame treated in order to improve the adhesion of the adhesive layer to the polypropylene film. There is no evidence that this limitation is taught by Crass or any supporting evidence that this is an inherent property of the films used or contemplated by Crass.

Therefore, for the reasons cited above the Crass reference does not anticipate the appellants' claims.

3. *Claim 3 is non-obvious over Crass in view of Allegre*

Standard of Review

In rejecting claims under 35 U.S.C. § 103(a), the examiner bears the initial burden of presenting a

prima facie case of obviousness. Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993). Even if it were conceded that the Examiner has discovered each of the appellants' claimed elements from the prior art, the appellants believe the examiner has not established a *prima facie* case of obviousness as there is no teaching, suggestion or motivation for combining the teachings of Crass and Allegre. As stated in *In re Rouffet*, 149 F.3d 1350, 47 USPQ2d 1453 (Fed. Cir. 1998):

"As this court has stated, 'virtually all [inventions] are combinations of old elements...Therefore an examiner may often find every element of a claimed invention in the prior art. If identification of each claimed element in the prior art were sufficient to negate patentability, very few patents would ever issue. Furthermore, rejecting patents solely by finding prior art corollaries for the claimed elements would permit an examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat patentability of the claimed invention. Such an approach would be 'an illogical and inappropriate process by which to determine patentability.' *Sensotronics, Inc. v. Aerasonic Corp.*, 81 F.3d 1566, 1570, 38 USPQ2d 1551, 1554 (Fed. Cir. 1996)." *Rouffet*, 149 F.3d at 1357, 47 USPQ2d 1457 (citations omitted).

When patentability turns on the question of obviousness, the search for and analysis of the prior art includes evidence relevant to the finding of whether there is a teaching, motivation, or suggestion to select and combine the references relied on as evidence of obviousness. See, e.g., *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1351-1352, 60 USPQ2d 1001, 1008 (Fed. Cir. 2001) ("the central question is whether there is reason to combine [the] references," a question of fact drawing on the *Graham* factors). *In re Lee*, 277 F.3d 1338, 1342-43, 61 USPQ2d 1430, 1433 (Fed. Cir. 2002).

Elements of the Appellants' Claimed Invention

Claim 3 is contains each of the elements of claim 1 and further requires that the polypropylene film have a serrated cut.

There Is No Teaching, Suggestion or Motivation to Combine Crass and Allegre

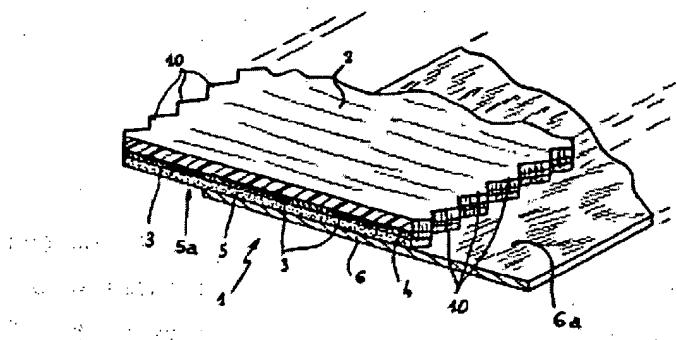
The arguments against the Crass reference regarding anticipation provided above are to be considered repeated here. Should the arguments with regard to Crass be deemed persuasive, it is believed that this rejection would also fall. However, should the rejection based on the Crass reference be upheld, the appellants further argue that there is no teaching, suggestion or motivation to combine the Crass and Allegre references.

The Allegre reference is relied upon by the Examiner for the teaching of a serrated edge for a

tape product (see Abstract for FR 2749316 on the next page):

Abstract of FR2749316

Adhesive security tape for tamper-proof sealing of packages such as envelopes, wrappings and the like, especially for the dispatch of documents, comprises a support (2) of cellulose acetate having a low resistance to tearing, a first ink layer (3) partially covering one face of the support, a second ink layer (4) applied over the first ink layer and covering the whole surface of the support, a layer of adhesive (5) covering the second ink layer and a peelable protective film (6) to protect the adhesive layer. Preferably the first ink layer (3) is transparent or colourless and is applied in the form of a text which does not cover the whole surface of the acetate support. The second ink layer (4) is coloured and adheres to the acetate support (2).



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However, there has been no explanation as to the teaching, suggestion or motivation for combining the element of Allegre with those of Crass to arrive at the appellants invention despite the fact that one of ordinary skill in the art would not have the appellants claims to act as a blueprint for the invention. Even though both references are directed to tape products, there are substantial differences between the tapes described by Crass and Allegre. The portion of the tape in Allegre which tries to approximate the composite backing of the appellants' and Crass invention is a three-layer structure comprising of a cellulose layer and two ink layers. It is unclear how this would relate to Crass' tape product which contains a support film comprises of two layers produced by co-extrusion and contain an anti-adhesive substance.

If the Examiner's argument is that the teaching, suggestion or motivation to combine need not be manifested in the references themselves, it has previously been held that "evidence of a suggestion, teaching or motivation to combine may flow from the prior art references solved...The range of sources available, however, does not diminish the requirement for actual evidence. That is, the showing must be

clear and particular." *In re Dembiczak*, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999) (citations omitted).

Therefore, as there is not teaching, suggestion or motivation to combine the Crass and Allegre references, the burden for establishing *prima facie* obviousness has not been met.

4. ***Claims 1-9 and 11-13 are non-obvious over appellants' admission alone or in view of Allegre***

Standard of Review

MPEP 2129 states "When applicant states that something is prior art, it is taken as being available as prior art against the claims. Admitted prior art can be used in obviousness rejections. *In re Nomiya*, 509 F.2d 566, 184 USPQ 607 (CCPA 1975)."

However, only the admission is prior art and even then the Examiner is not absolved of the duty to provide a sufficient showing of a suggestion within the "prior art" or motivation for modifying the "prior art" to arrive at the applicants claimed invention. "[W]here a single prior art reference is alleged to render the claimed invention obvious, there must be a sufficient showing of a suggestion or motivation for any modification of the teachings of that reference necessary to reach the claimed invention in order to support the obviousness conclusion." *Sibia Neuroscis., Inc. v. Cadus Pharm. Corp.*, 225 F.3d 1349, 1356, 55 USPQ2d 1927, 1931 (Fed. Cir. 2000); *B.F. Goodrich Co. v. Aircraft Braking Sys. Corp.*, 72 F.3d 1577, 1582, 37 USPQ2d 1314, 1318 (Fed. Cir. 1996).

Moreover, the standard of review asserted in appellants arguments presented above for Crass in view of Allegre also apply here.

With regard to dependent claims 2-9 and 11-13, it is noted that MPEP 2143.03 states that "To establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)."

Elements of the appellants claim 1

Claim 1 of the appellants' invention can be broken down into the following components:

- (1) An adhesive tape comprising
- (2) a composite backing

- (3) based on an oriented, coextruded, at least two-layer polypropylene film
- (4) whose one side is provided with an adhesive layer
- (5) wherein the cleavage strength of the composite backing is less than the bond strength of the adhesive.

Appellants' admission is restricted to narrow teachings

The passages referred to by the Examiner read as follows:

(page 3, lines 10-17 - bold and italics added for emphasis)

"In the sector of the packaging industry, two-layer and three-layer films are of importance. *Thus, it is known that films comprising non-heat-sealable, coextruded, high crystalline polypropylene layers exhibit a weak bond of the film layers to one another.* By using polypropylene layers differing in their degree of crystallinity, and/or using film layers comprising copolymers such as polypropylene-ethylene, for example, it is possible to vary the bond between the film layers. In this way, it is possible to adjust the cleavage strength of the polypropylene-based composite film and to adapt it to the bond strength of the adhesive composition."

(page 6, lines 9-12 - bold and italics added for emphasis)

"Preference is given to adhesive compositions based on acrylate dispersions, particular preference to adhesive compositions based on styrene-isoprene-styrene block copolymers. *These adhesive composition technologies are known and are used in the adhesive tape industry.*"

Only the bold and italicized text represent an admission by the appellants of previously known facts. Nowhere does this "prior art" suggest prior knowledge of each of the appellants elements ***in combination***. There is no teaching, suggestion or motivation to combine which comes from either statement to combine the elements as the appellants have done. In addition, as this is a unique situation where part of the appellants' specification is being used as prior art, the Examiner is further handicapped by the restriction that knowledge of the applicant's disclosure must be set aside in determining *prima facie* obviousness. "To reach a proper determination under 35 U.S.C. 103, the examiner must step backward in time and into the shoes worn by the hypothetical "person of ordinary skill in the art" when the invention was unknown and just before it was made. In view of all factual information, the examiner must then make a determination whether the claimed invention "as a whole" would have been obvious at that time to that person. ***Knowledge of applicant's disclosure must be put aside in reaching this determination...***" MPEP 2142, pg. 2100-123, rev. 1, Feb. 2003.

With regard to the addition of Allegre in combination with appellant's admission, the appellants

assert that should the rejection over the appellants' admission be reversed, the rejection in combination with Allegre should also be reversed. In the event, that the rejection is maintained, the appellants argue that the combination with Allegre does not render obvious claim 3 for the reasons cited in the appellants' response to the Crass in view of Allegre rejection.

Moreover, these limited admissions by the applicants do not teach or suggest each of the additional limitations represented by dependent claims 2-9 and 11-13 and no evidence has been presented which suggests that these limitations would be known to one of ordinary skill in the art merely by observing the bold and italicized statements cited above.

Therefore, the appellants' claims have not been rendered obvious by the appellants' admissions.

5. ***Claim 10 is non-obvious over Freedman (U.S. Patent 5,876,816) alone or in view of appellants' admission***

Elements of the appellants' claim 10

Claim 10 of the appellants' invention can be broken down into the following components:

- (1) A method of detecting unauthorized broaching of a package
- (2) comprising sealing said package with the adhesive tape of claim 1 [which comprises of]
 - (3) An adhesive tape comprising
 - (4) a composite backing
 - (5) based on an oriented, coextruded, at least two-layer polypropylene film
 - (6) whose one side is provided with an adhesive layer
 - (7) wherein the cleavage strength of the composite backing is less than the bond strength of the adhesive;
- (8) wherein when the adhesive tape is removed from the surface of the package the adhesive tape is irreversibly destroyed
- (9) and indicates an attempted broaching by tearing or splitting in the thickness direction.

Freedman does not teach the appellants' claimed method using the appellants' claimed adhesive tape

Even if it is conceded that Freedman teaches a method of detecting unauthorized broaching of a package, the key limitation of claim 10 is that it is accomplished with the adhesive tape of claim 1 (i.e. elements (2)-(7)). There is no indication that the label of Freedman is the same as or obvious in relation to the adhesive tape of the applicants invention and the reference does not suggest to one of ordinary skill

in the art to modify the adhesive tape to be readable upon the adhesive tape of the appellants' invention.

For the reasons cited above, the appellants maintain that the appellants' admission do not render the appellants' claimed adhesive tape to be obvious. However, even if the appellants' adhesive tape were to be found obvious in light of the appellants' admission, there is no teaching or suggestion to substitute the adhesive tape of the appellants' admission into the method of use described by Freedman when the standard for determination of obviousness is that one of ordinary skill in the art would have the references before him but without the benefit of the appellants' claims to serve as blueprint for the invention.

Therefore, the appellants' claim 10 has not been rendered obvious by the Freedman alone or in view of appellants' admissions.

(9) CONCLUSION

For the foregoing reasons, Appellants respectfully request that the Honorable Board reverse the final rejections.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Appellants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess to our Deposit Account No. 14-1263.

Respectfully submitted,

NORRIS MC LAUGHLIN & MARCUS, P.A.

By

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail in an envelope addressed to: Hon. Commissioner of Patents, Mail Stop Appeal Brief, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below:

Date: **1 March 2004**

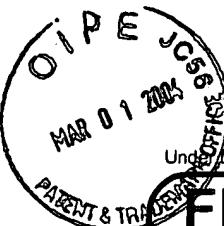
By

Agata Glinska
Agata Glinska

(10) APPENDIX - CLAIMS ON APPEAL

1. An adhesive tape comprising a composite backing based on an oriented, coextruded, at least two-layer polypropylene film whose one side is provided with an adhesive layer wherein the cleavage strength of the composite backing is less than the bond strength of the adhesive.
2. The adhesive tape according to claim 1, wherein the thickness of the backing is from 15 to 120 μm .
3. The adhesive tape according to claim 1, wherein the edges of the polypropylene film have a serrated cut.
4. The adhesive tape according to claim 1, wherein the polypropylene film is corona treated or flame treated in order to improve the adhesion of the adhesive layer to the polypropylene film.
5. The adhesive tape according to claim 1, wherein a primer layer is applied between the polypropylene film and the adhesive layer.
6. The adhesive tape according to claim 1, wherein the side of the polypropylene film opposite the adhesive layer bears a coating.
7. The adhesive tape according to claim 11, wherein the application rate of the release coating is from 0.1 to 3 g/m^2 .
8. The adhesive tape according to claim 1, wherein the adhesive composition is a solventborne adhesive layer based on styrene-isoprene-styrene copolymers.
9. The adhesive tape according to claim 1, wherein the application rate of the adhesive layer is from 15 to 60 g/m^2 .
10. A method for detecting unauthorized broaching of a package, which comprises sealing said package with the adhesive tape of Claim 1, wherein when the adhesive tape is removed from the surface of a package the adhesive tape is irreversibly destroyed and indicates an attempted broaching by tearing or splitting in the thickness direction.

11. The adhesive tape of Claim 6, wherein said coating is a release coating.
12. The adhesive tape of Claim 7, wherein said application rate is 0.2 to 1.5 g/m².
13. The adhesive tape of Claim 9, wherein said application rate is from 20 to 30 g/m².



FEET TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)
\$440.00

Complete if Known

Application Number	09/750,984
Filing Date	December 28, 2000
First Named Inventor	Wenninger et al.
Examiner Name	Daniel R. Zirker
Art Unit	1771
Attorney Docket No.	101769-79/ tesa AG 687

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

 Deposit Account:Deposit Account Number
14-1263Deposit Account Name
Norris, McLaughlin & Marcus

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Description	
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non - English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	110.00
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	330.00
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR § 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Statement	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) _____

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Description	
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

2. EXTRA CLAIM FEES FOR UTILITY AND

Extra Claims	Fee from below	Fee Paid
Total Claims	-20** = 0	X = 0.00
Independent Claims	-3** = 0	X = 0.00
Multiple Dependent		= 0.00

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		\$0.00

**or number previously paid, if greater; For Reissues, see above

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

\$440.00

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Howard C. Lee	Registration No. (Attorney/Agent)	48,104	Telephone	212-808-0700
Signature	Howard C. Lee		Date	March 1, 2004	

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